

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 411**

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**Introduced by Senator Wolk**

February 20, 2013

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~~An act to amend Sections 112876, 112876.5, 112877, and 112894 of the Health and Safety Code, and to amend Section 1 of Chapter 694 of the Statutes of 2008, relating to food. An act to amend Section 112895 of the Health and Safety Code, relating to food labeling.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as amended, Wolk. Food labeling: olive oil.

*Existing law requires the State Department of Public Health to enforce various provisions of existing law regarding the manufacture, blending, production, and sale of olive oil. Existing law requires any olive oil produced, processed, sold, offered for sale, given away, or possessed in this state, that indicates on its label that it is from an area that is one of the approved American Viticultural Areas under federal law, to be made of oil 75% of which is derived solely from olives grown in that approved American Viticultural Area. Existing law makes the violation of these provisions a crime.*

*This bill would require that olive oil be made of oil derived solely from olives grown in the American Viticultural Area that is indicated on the olive oil label. By changing the definition of a crime, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Existing law requires the State Department of Public Health to enforce various provisions of existing law regarding the manufacture, blending, production, and sale of olive oil. Existing law defines olive oil and olive oil grades, such as virgin olive oils and olive-pomace oil, and provides that olive oil grades are to be in a specified hierarchy.

~~This bill would make technical changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 112895 of the Health and Safety Code is*  
2     *amended to read:*

3     112895. (a) It is unlawful to manufacture, sell, offer for sale,  
4     give away, or to possess imitation olive oil in California.

5     (b) This section does not prohibit the blending of olive oil with  
6     other edible oils, if the blend is not labeled as olive oil or imitation  
7     olive oil, is clearly labeled as a blended vegetable oil, and if the  
8     contents and proportions of the blend are prominently displayed  
9     on the container's label, or if the oil is a flavored olive oil.

10    (c) Any olive oil produced, processed, sold, offered for sale,  
11    given away, or possessed in California, that indicates on its label  
12    "California Olive Oil," or uses words of similar import that indicate  
13    that California is the source of the oil, shall be made of oil derived  
14    solely from olives grown in California.

15    (d) Any olive oil produced, processed, sold, offered for sale,  
16    given away, or possessed in California, that indicates on its label  
17    that it is from an area that is one of the approved American  
18    Viticultural Areas as set forth in Part 9 (commencing with Sec.  
19    9.1) of Title 27 of the Code of Federal Regulations shall be made  
20    of oil ~~75 percent of which is~~ derived solely from olives grown in  
21    that approved American Viticultural Area.

22    (e) Olive-pomace oil shall not be labeled as olive oil.

23    *SEC. 2. No reimbursement is required by this act pursuant to*  
24    *Section 6 of Article XIII B of the California Constitution because*  
25    *the only costs that may be incurred by a local agency or school*  
26    *district will be incurred because this act creates a new crime or*  
27    *infraction, eliminates a crime or infraction, or changes the penalty*

1 *for a crime or infraction, within the meaning of Section 17556 of*  
2 *the Government Code, or changes the definition of a crime within*  
3 *the meaning of Section 6 of Article XIII B of the California*  
4 *Constitution.*

5 SECTION 1. ~~Section 112876 of the Health and Safety Code~~  
6 ~~is amended to read:~~

7 ~~112876. The scale for virgin olive oil grades shall be, from~~  
8 ~~highest to lowest, extra-virgin olive oil, virgin olive oil, and virgin~~  
9 ~~olive oil not fit for human consumption, also known as lampante~~  
10 ~~virgin olive oil, which shall be the lowest level of quality among~~  
11 ~~the virgin olive oils. In terms of scale, olive oil and refined olive~~  
12 ~~oil shall fall below the virgin olive oil category. Olive oil grades~~  
13 ~~shall be in the following categories:~~

14 ~~(a) Virgin olive oils:~~

15 ~~(1) Extra virgin olive oil.~~

16 ~~(2) Virgin olive oil.~~

17 ~~(3) Virgin olive oil not fit for human consumption without~~  
18 ~~further processing, also known as lampante virgin olive oil.~~

19 ~~(b) Olive oil.~~

20 ~~(c) Refined olive oil.~~

21 SEC. 2. ~~Section 112876.5 of the Health and Safety Code is~~  
22 ~~amended to read:~~

23 ~~112876.5. The scale for olive-pomace oil grades shall be, from~~  
24 ~~highest to lowest, olive-pomace oil, refined olive-pomace oil, and~~  
25 ~~crude olive-pomace oil, which is the lowest level of quality among~~  
26 ~~the olive-pomace oils. Olive-pomace oil grades shall be in the~~  
27 ~~following categories:~~

28 ~~(a) Olive-pomace oil.~~

29 ~~(b) Refined olive-pomace oil.~~

30 ~~(c) Crude olive-pomace oil.~~

31 SEC. 3. ~~Section 112877 of the Health and Safety Code is~~  
32 ~~amended to read:~~

33 ~~112877. Olive oil grades are defined as follows:~~

34 ~~(a) "Virgin olive oils" are the oils obtained from the fruit of the~~  
35 ~~olive tree solely by mechanical or other physical means under~~  
36 ~~conditions, including thermal conditions, that do not lead to~~  
37 ~~alterations in the oil, and that have not undergone any treatment~~  
38 ~~other than washing, decanting, centrifuging, and filtration. Virgin~~  
39 ~~olive oils without further processing include:~~

(1) “Extra virgin olive oil” is virgin olive oil that has excellent flavor and odor expressed as a median of defects equal to zero and a median of fruitiness greater than zero, has a free fatty acid content, expressed as oleic acid, of not more than 0.8 grams per 100 grams oil, has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil and meets the additional requirements for “United States Extra Virgin Olive Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(2) “Virgin olive oil” is virgin olive oil that has reasonably good flavor and odor expressed as a median of defects between zero and 2.5 and a median of fruitiness greater than zero, has a free fatty acid content, expressed as oleic acid, of not more than 2 grams per 100 grams oil, has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil, and meets the additional requirements for “United States Virgin Olive Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(3) “Virgin olive oil not fit for human consumption without further processing,” also known as “lampante virgin olive oil,” is virgin olive oil which has poor flavor and odor expressed as a median of defects between 2.5 and 6.0 or when the median of defects is less than or equal to 2.5 and the median of fruitiness is zero, has a free fatty acid content, expressed as oleic acid, of more than 2 grams per 100 grams, and meets the additional requirements of the “United States Virgin Olive Oil Not Fit For Human Consumption Without Further Processing” as outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010. This grade of olive oil is intended for refining or for purposes other than food use.

(b) “Olive oil” is the oil consisting of a blend of refined olive oil and virgin olive oils fit for consumption without further processing. It has a free fatty acid content, expressed as oleic acid, of not more than 1 gram per 100 grams oil and meets the additional requirements for “United States Olive Oil” described in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil

published in the Federal Register that are in effect on October 25, 2010.

(e) “Refined olive oil” is the olive oil obtained from virgin olive oils by refining methods that do not lead to alterations in the initial glyceridic structure (basic glycerin-fatty acid content). It has a free fatty acid content, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil, and meets the additional requirements for “United States Refined Olive Oil” described in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(d) “Olive-pomace oil” is oil obtained by treating olive pomace, which is the product that remains after the mechanical extraction of olive oil, with solvents or other physical treatments, to the exclusion of oils obtained by synthetic processes and a mixture with oils of other kinds. Olive-pomace oils shall be labeled and marketed with the following designations and definitions:

(1) “Olive-pomace oil” is the oil comprising the blend of refined olive-pomace oil and virgin olive oils fit for consumption without further processing. It has a free fatty acid content, expressed as oleic acid, of not more than 1 gram per 100 grams oil, and meets the additional requirements for “United States Olive-Pomace Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(2) “Refined olive-pomace oil” is the oil obtained from crude olive-pomace oil by refining methods that do not lead to alterations in the initial glyceridic structure. It has a free fatty acid content, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil, and meets the additional requirements for “United States Refined Olive-Pomace Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil Published in the Federal Register that are in effect on October 25, 2010.

(3) “Crude olive-pomace oil” is olive-pomace oil that is intended for refining for use for human consumption or that is intended for technical use and that meets the requirements for “United States Crude Olive-Pomace Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

1 SEC. 4. ~~Section 112894 of the Health and Safety Code is amended~~  
2 ~~to read:~~

3 ~~112894. Virgin olive oil not fit for human consumption, also~~  
4 ~~known as lampante virgin olive oil, shall be refined before~~  
5 ~~consumption.~~

6 SEC. 5. ~~Section 1 of Chapter 694 of the Statutes of 2008 is~~  
7 ~~amended to read:~~

8 ~~Section 1. The Legislature hereby finds and declares all of the~~  
9 ~~following:~~

10 ~~(a) Extra virgin olive oil has been shown by numerous scientific~~  
11 ~~studies to be associated with fighting cardiovascular disease and~~  
12 ~~providing other health benefits.~~

13 ~~(b) California grows and processes more than 99 percent of the~~  
14 ~~extra virgin olive oil produced in the United States, and more than~~  
15 ~~90 percent of California olive oil meets the international standards~~  
16 ~~for top-grade “extra virgin” as established by the International~~  
17 ~~Olive Council.~~

18 ~~(c) The quality of California olive oil is comparable to the~~  
19 ~~highest quality the highest quality producers internationally.~~

20 ~~(d) It is the intent of the Legislature that California’s definitions~~  
21 ~~of olive oil be consistent with international standards.~~